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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,350	01/19/2001	Takashi Suda	1046.1231 (JDH)	7142
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DIVECHA, KAMAL B	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/764,350	<b>Applicant(s)</b> SUDA, TAKASHI	
	<b>Examiner</b> KAMAL B. DIVECHA	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

Claims 1-4, 6 and 8-21 are pending in this application.

Claims 5 and 7 were previously cancelled.

**Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on February 27, 2007 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 27, 2007 has been entered.

**Response to Arguments**

Applicant's arguments filed on February 27, 2007 in conjunction with a Request for Continued Examination (RCE) with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection, as presented herein.

**Claim Objections**

The objection presented in the previous office action is withdrawn due to change in dependency of claim 11.

**Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1-4, 6, 8-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Independent claim 1 recites:**

“An apparatus for managing addresses of websites comprising: an address list... a monitoring section... and an updating section...”

Initially, the claim lacks a positive recitation of a hardware element enabling the claim and/or the apparatus to be interpreted as a machine, which would enable one of ordinary skilled in the art to produce useful, concrete and tangible results.

The claim, as recited, can be implemented as a program and/or software per se (see applicant specification, pg. 28: browser assistant software), a non-statutory subject matter for at least failing to fall into any of the four enumerated categories of the statutory subject matter as set forth above.

Applicant is therefore advised to include a positive recitation of a hardware element of the apparatus.

Claims 2-4, 6 and 8-18 are rejected for the same reasons as set forth in claim 1.

Art Unit: 2151

Noted: A recording medium as in claim 20 is equivalent to CD-ROM or a floppy disk (applicant's specification, pg. 28).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6 and 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (hereinafter Li, US 6,631,496 B1) in view of Chung et al. (hereinafter Chung, US 6,012,090).

As per claim 1, Li explicitly discloses an apparatus for managing addresses of websites comprising:

an address list containing addresses of website (col. 2 L36-46 to col. 3 L7, col. 11 L12-45);

a monitoring section monitoring a state of user references to web sites (col. 2 L36 to col. 3 L7, col. 10 L14-67); and

an updating section updating the contents of said address list according to the state of user references monitored by said monitoring section, said updating including deleting from and adding to the contents of said address list according to the state of user references wherein said deleting occurs based on access failure of a website, and wherein said updating section has a line connected for reference to the website (a connection

capable of initiating the identifier), and if no input is supplied over a predetermined time period with respect to reference to any of the web sites, said updating section tries to access each of the addresses contained in said address list and deletes an address from said address List (col. 7 L15 to col. 8 L60, col. 10 L14 to col. 11 L45, and fig. 19: clearly summarizes Li's invention).

However, Li does not disclose a means wherein, if the number of times the access failure has occurred with respect to one of the addresses contained in said address list becomes equal to a predetermined threshold value, said updating section deletes the one of the addresses from said address list, said updating section tries to access each of the addresses contained in said address list and deletes an address from said address list if the number of times failure has occurred continuously becomes equal to a predetermined threshold value by failure of said tries (i.e. a typical "retry mechanism" before deleting the addresses from the list, or testing the number of times access failure has occurred before deleting the addresses from the list as per applicant).

Chung explicitly discloses a retry mechanism comprising determining, whether the number of times the access failure has occurred with respect to one of the addresses/identifiers contained in said address list or group becomes equal to a maximum number of retries, i.e. predetermined threshold value, by accessing the identifiers, i.e. addresses, a maximum number of times (col. 7 L38 to col. 8 L9: RETRY mechanism with a maximum number of retries, col. 5 L18-43).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Li in view of Chung, in order to delete the addresses from the

Art Unit: 2151

list if the number of times failure has occurred becomes equal to a predetermined threshold value by failure of said tries (i.e. utilizing a retry mechanism before deleting the address).

One of ordinary skilled in the art would have been motivated because the retry mechanism is a widely available technique for ensuring the availability and/or status of the website (Chung, col. 7 L65 to col. 8 L10, col. 3 L23-30).

As per claim 2, Li discloses the apparatus further comprising a connection section accessing to an address contained in said address list in case the address is designated (i.e. incase the address is selected for access, col. 1 L56-67, col. 4 L21-34, col. 5 L34-53, col. 6 L4-21).

As per claim 3, Li discloses the apparatus wherein said monitoring section records the frequency of access to the address of each web site as a content of said state of references, and said updating section adds, to said address list, an address with an access frequency reached to a predetermined threshold value (i.e. adding the address into the list of addresses based on its popularity or access times, col. 10 L14-30 and fig. 19).

As per claim 4, Li discloses the apparatus wherein said monitoring section records the frequency of access to the address of each web site as a content of said state of references, and said updating section deletes, from said address list, any of the addresses in said address list with an access frequency lower than a predetermined threshold value (fig. 19 and col. 11 L3-34).

As per claim 6, Li discloses an apparatus wherein the access frequency with respect to each of the web sites is updated each time access the web site results in success, and wherein when the access frequency is updated, said updating section makes a determination whether or note the access frequency has reaches the predetermined threshold value (col. 10 L14 to col. 11 L45 and fig. 19).

Art Unit: 2151

As per claim 8, Li discloses the apparatus further comprising a supply section supplying a user with a setting window to enable the user to set the predetermined threshold value (col. 14 L30 to col. 15 L34 and fig. 19).

As per claim 12, Li discloses the apparatus wherein said updating section is activated when an operating system controlling said address management apparatus is activated (fig. 19, col. 3 L3-5).

As per claim 15, Li discloses an apparatus wherein the access frequency is the number of occurrences of access in a unit number of days, and said updating section is activated when the date is changed (col. 5 L54-67 and fig. 19).

As per claim 18, Li discloses the apparatus wherein said updating section is activated when the setting of the predetermined threshold value is changed by the user (fig. 19).

As per claims 9-11, 13, 14, 16, 17 and 19-21, they do not teach or further define over the limitations in claims 1-4, 6, 8, 12, 15 and 18. Therefore claims 9-11, 13, 14, 16, 17 and 19-21 are rejected for the same reasons set forth in claims 1-4, 6, 8, 12, 15 and 18.

#### **Additional References**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Peerey et al., US 5,960,429: Multiple Reference Hotlist for identifying frequently retrieved web page.
- b. Bates et al., US 6,100,890: Automatic Bookmarks.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kamal Divecha  
Art Unit 2151  
May 16, 2007.



**ZARNI MAUNG**  
PATENT EXAMINER